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FILED
Jul 15 2009, 8:48 am
CLERK
of the supreme court, court of appeals and tax court

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IN THE
COURT OF APPEALS OF INDIANA

KARIM A. GOODWIN,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 18A02-0810-CR-929
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE DELAWARE CIRCUIT COURT
The Honorable Robert L. Barnet, Jr., Judge
Cause No. 18C03-0711-FB-31

July 15, 2009

MEMORANDUM DECISION – NOT FOR PUBLICATION

BAKER, Chief Judge

Appellant-defendant Karim A. Goodwin appeals following his convictions for Resisting Law Enforcement,[1] a class A felony, Possession of a Firearm by a Serious Violent Felon,[2] a class B felony, and Battery,[3] a class B misdemeanor. Specifically, he alleges there was insufficient evidence supporting his conviction for possession of a firearm by a serious violent felon. Finding the evidence to be sufficient, we affirm the judgment of the trial court.

FACTS

On October 31, 2007, at approximately 3:30 a.m., Goodwin entered the apartment of Tamara Davis, a friend of Goodwin. Davis testified that Goodwin appeared intoxicated and began arguing with her. In the course of the argument, Goodwin raised his shirt, showing Davis a gun in the waistband of his pants. Goodwin struck Davis at least five times on the side of her face. Davis then called the police.

Goodwin was outside the apartment building when Muncie Police Officer Shane Finnegan arrived. Officer Finnegan ordered Goodwin to "freeze" and put his hands in the air. Tr. 12, 27. However, Goodwin ignored the order and continued to move towards Officer Finnegan. Goodwin then began running around the apartment building, ignoring the officer's repeated orders to stop. Officer Finnegan finally apprehended Goodwin, at which time they engaged in a struggle. During the struggle, Goodwin attempted to reach into the waistband of his pants. Officer Finnegan then pulled his service weapon and ordered Goodwin to stop reaching into the waistband of his pants. Goodwin complied,

[1] Ind. Code § 35-44-3-3(a).
[2] Ind. Code § 35-47-4-5(c).
[3] Ind. Code § 35-42-2-1(a).

and was placed in handcuffs. While searching Goodwin, Officer Finnegan found a gun in the front waistband of Goodwin's pants.

On November 7, 2007, Goodwin was charged with unlawful possession of a firearm by a serious violent felon, a class B felony; possession of a machine gun, a class C felony; resisting law enforcement, a class A felony; and battery, a class B misdemeanor. The possession of a machine gun charge was dismissed on September 23, 2007.

At Goodwin's September 29, 2008, bench trial, his probation officer testified that Goodwin had been convicted of attempted murder in 1996, and identified certified copies of the charging information and sentencing order for Goodwin's 1996 conviction. The sentencing order indicated that Goodwin had been found guilty of attempted murder and other charges, and listed his sentence for each conviction.

The trial court found Goodwin guilty as charged. He was sentenced to twelve years of incarceration with four years suspended for possession of a firearm by a serious violent felon, one year of incarceration for resisting law enforcement, and 180 days of incarceration for battery, all to be served concurrently, for an aggregate executed sentence of eight years. Goodwin now appeals his conviction for possession of a firearm by a serious violent felon.

DISCUSSION AND DECISION

Goodwin's sole argument on appeal is that the evidence was insufficient to convict him of possession of a firearm by a serious violent felon. Specifically, he argues the charging information and sentencing order do not prove that he was previously convicted

of a serious violent felony. Goodwin further avers that this prerequisite can only be established by a judgment of conviction or an abstract of judgment, neither of which the State provided in this case.

When reviewing a conviction for the sufficiency of evidence, we will neither reweigh the evidence nor judge the credibility of witnesses. Alkhalidi v. State, 753 N.E.2d 625, 627 (Ind. 2001). We will affirm the judgment of the trial court, if the probative evidence and reasonable inferences drawn from the evidence could have allowed a reasonable trier of fact to find the defendant guilty beyond a reasonable doubt. Id.

Indiana Code section 35-47-4-5(c) states, in relevant part, that a "serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Class B felony." A "serious violent felon" is defined as "a person who has been convicted of . . . attempting to commit or conspiring to commit a serious violent felony in Indiana." I.C. § 35-47-4-5(a)(2)(A). As provided by the statute, a "serious violent felony" includes murder. I.C. § 35-47-4-5(b)(1). Therefore, to convict Goodwin of possession of a firearm by a serious violent felon based upon a previous conviction for attempted murder, the State was required to prove that Goodwin had been convicted of attempted murder and, thereafter, knowingly or intentionally possessed a firearm.[4]

[4] On appeal, Goodwin does not challenge the trial court's finding that he knowingly or intentionally possessed a firearm.

In order to establish Goodwin's status as a serious violent felon, the State submitted certified copies of the charging information and the sentencing order in Goodwin's attempted murder case. The State also elicited testimony from Goodwin's probation officer. Goodwin argues that because the State did not submit certified copies of a judgment of conviction or an abstract of judgment, the State failed to prove Goodwin's status as a serious violent felon. We disagree. This court held in Abdullah v. State that there are numerous means by which the State may elect to prove a defendant's prior conviction. 847 N.E.2d 1031, 1034 (Ind. Ct. App. 2006). To that end, when proving a defendant's status as a serious violent felon, "[p]rosecutors routinely admit a wide variety of readily-available evidence . . . including but certainly not limited to copies of sentencing orders, case chronologies, plea agreements, testimony from prosecutors or others involved in or witness to the prior conviction, or transcripts from the convicting court's proceedings." Id. (emphases added).

Therefore, we find that the testimony from Goodwin's probation officer and the charging information and sentencing order from Goodwin's attempted murder conviction, are sufficient to prove Goodwin's prior conviction for attempted murder. Thus, the State was not required to present certified copies of the judgment of conviction or an abstract of judgment to prove Goodwin's status as a serious violent felon, and we affirm the judgment of the trial court.

The judgment of the trial court is affirmed.

MAY, J., and BARNES, J., concur.